G. R. S. IX-5]

Previous references.

1921

File No. 6-21

Serial Nos 295

(97)

Preserve

Later references.

§ 21-4-

§ 217-23-15-30a 64

Preserve

7-10-23

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

P-9

Part B for October

SUBJECT.

Proposal whether the Dak Sicurstedars can sign and issue bonds to subscribers during the absence of Amildars from Head Quarters.

To

The D.C. Bangalore

Comptroller

no 2123+4 § 5. 10. 21

states that the arrangement is not possible under the Rules.

WD 1888—GPB—16,826—23-7-21

2672

7.10.21.

ND439
71

. R. S. III-21

General and Revenue Secretariat. | File No. of 19

Serial No. 61

Extract from D.O. No. 11 dated the 29th July 19

from the Deputy Commissioner, Bangalore.

** **

In this connection I wish to be informed if the Taluk Sheristadars can sign bonds and issue them to subscribers during the absence of Amildars from Head-Quarters.

** **

The Deputy Commissioner of Bangalore enquires if, in the absence of Amildars, Sheristadars can endorse bonds for selling them to the public. The Mysor Account Code contains the following rule for defin the constitution of the Taluk Treasury:-

"The Sheristadar is in immediate charge of Treasury under the orders of the Amildar and perf the duties of the Amildar during the absence of t latter from the station".

When the Amildar is absent from headquarter the Sheristadar is the recognised authority for con ing treasury business. In Notification dated July 1921, officers in charge of Taluk Treasuri have been authorised to hold bonds of the two n Loans in their official capacity for the purpos selling them by endorsing them over to subscrib In the absence of the Amildar from his headquar the Sheristadar is authorised, in the executive

NOTE—Contn. sheet.

order

4975 D4389 426

J. R. S. III-21

General and Revenue Secretariat. | File No. 4 of 1921. (2)

Serial No.

1 orders included in the Civil Account Code and reproduced above, to conduct every item of work of the Taluk -- Treasury. In such circumstances, the Sheristadar can, under the Notification of 11th July 1921, be considered as competent to endorse bonds for selling th to the public.

Whether this view is not open to any legal objection is a point on which the opinion of the Government Advocate is necessary. The file is, accordingly referred for favour of his opinion.

Mull
1.8.21

R.W.G. 22-421
D 4389

No. PP 14/021-22
3.8.21

The only possible objection from the legal point of view may arise with reference to the application of S. 6(1) of the Govt Securities Regulation. That section provides for a Govt Security to be "made or indorsed payable to or to the order of the holder for the time being of the office by the name of the office". In this case the holder of the Office primarily is, I take the amildar. And unless the Sheristadar also can be duly regarded as the holder of the Office he could be a stranger to the instrument. By S. 15 of the Negotiable Instruments Regn. indorsement has to

GEN'L REV. SECTT
3 AUG 1921

NOTE—Contn. sheet.

-439-

(38)

Serial No.

ARY No....823

by the maker or holder of a negotiable instrument. Indorsement cannot be made under that section by a stranger to the instrument.

Khanjan
2.8.24.

120
5.15 p.m
3/8.

The point is whether the Secretary cannot, under the ruling referred to, be held as the holder of the office for the time being - and in this the G.A. pro tempore - The Legislature ought to be consulted.

Yours)

411
4/8

To Legislative Dept.)

Sd
4.8.24

15
36814

15
570

Log
Sent specimens of Govt. Securities Regn. & Negotiable Instruments Regn. 570

Enclosed with copies of Govt. Securities Regn. & Negotiable Instruments Regn. Under S. 6 of Govt. Securities Regn. a Govt. Security can be made or indorsed payable to the holder for the time being of any public office & the Secy can any holder of the office for the time being may

Serial No.

endorse it to a third party under the account code the Sheristadar does the duties of the Amildar while he is absent from the Station.

The point for consideration is ~~that~~ whether the Sheristadar can be constituted as the holder of the office for the time being during the absence of the Amildar from headquarters.

&c

6 (1) The Amildars have their main treasury and the word "name of the office" occurs in Rule 6(1) of the Treasuries Regulation it does ~~the~~ that Reading this subject with subrule (2), the endorsement has to be made by 'Amildar' only. It would be therefore if the first endorsement has been "Officer in charge of treasury at —" instead of "Amildar" then the Sheristadar would be right in endorsement when he is in charge of the treasury during the

8

NOTE—Contn. sheet.

Serial No.

Name of Mr. Amidon pro hac
Spanbock.

10/5/18

Though the Sheriff-Advocate may be authorized by executive order of Govt to attend to all the duties of the Amildar during his Master's absence, he cannot be treated as "the holder for the time being of the Office by the name of the Office" with which the meaning ~~required by the provisions~~ of s. 6 of the Govt Securities Reg^{ns}.

A corporation cannot make or indorse negotiable instruments except in cases in which, under the law for the time being in force, it is so empowered.

s. 26 neg: Instr: Act

Even a general authority to transact business and to receive and discharge debts does not confer upon an agent the power of making or indorsing bills of exchange so as to bind his principal. s. 27 4

The Sheristedar possesses no statutory authority to indorse Govt securities so as to bind the Govt

D. M.
10/5

Note—Contn. sheet

~~Sheristedar~~
Revenue
Fin^{l} Sectt

D. M. 11/5 W.S. 21

Serial No.

The matter is not free from doubt. May be submitted to the 2nd member. Flag A

Yes, 2nd member 22-8-21

Let notice be taken as per Legislative Dept in the subject's memo.

27/5

The volume required is put up. Vide Flag W.

2nd member 19.4

Has any notification been issued under section 68 of the Forest Regulation. The Financial Secretary's note dated 11th Aug 1921 - Was the notification issued under the powers of the Section mentioned above. Please put up a copy of the same

Yes Sir, 26/9

The previous notification dated 17/9/21 is put up - please see Flag B. (Attention is invited to Flag F also)

3rd member 20/9/21

NOTE—Contn. sheet

General and Revenue Secretariat. | File No. 439 of 19

Serial No.

2269/29/9 Papers with the Govt. Secretary's letter that the Valley Corporation is made an appeal in changing the Valley Transmission Line Meaning & Erecting the Secondary Pipes

21/9

The compl. and the D.C. Bangalore, who raised the point. are, if approved be informed accordingly.

905/27/9 Yes,

28.9

yes only 30.9.21

Dy. Secy. 30/9/21

Sd. M.K.

Submitted draft D.O. for approval

3/10

4.10

259 To the D.C. Bangalore

No. 2123 of 5.10.21

States that the proposal is not possible under the Securities Regulation.

NOTE—Contn. sheet.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, the *191* .

Date of issue 6-10-24

Signed by N. Srinivasan

Section

File No.

Serial No.

No.

To

The Deputy Commr Bangalore.

Dear Sir,

With reference to your D.O. No 11 dated 29th July 1924 enquiring of the absence of Amildars Sheristedars can endorse bonds for selling them to the public, I am directed to state that the Sheristedars possess no statutory authority to endorse such securities.

Yours truly

for Secretary

4/10/24

over.

To the Deputy Commr Bkor.

Copy for Compliance for information.

D.O. 7K2123 Draft.
976-21-259

Financial Secretariat,
Dated Bangalore 5 Oct 1921.

Dear Sir,

With reference to your D.O.No.11 dated 29th July 1921 enquiring if during the absence of Amildar from Head quarters Sheristadars can endorse bonds for selling them over the counter to the Public, I am desired to state that the arrangement is not possible under the Securities Regulation.

Yours Sincerely,

To
The Deputy Commissioner,
Bangalore District.
The Comptroller, Mysore Government for information.

W 9K2124
9/5/10/21

MKW
4/11/21.